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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,032	03/01/2002	Peter Zatloukal	41051.P017	6498
25943	7590	09/16/2004	EXAMINER	
SCHWABE, WILLIAMSON & WYATT, P.C. PACWEST CENTER, SUITES 1600-1900 1211 SW FIFTH AVENUE PORTLAND, OR 97204				RAMPURIA, SHARAD K
ART UNIT		PAPER NUMBER		
				2683

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/087,032	ZATLOUKAL ET AL.
	Examiner Sharad Rampuria	Art Unit 2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-11 is/are allowed.
- 6) Claim(s) 12-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date: _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance:

Claims 1-11 are allowed based on Reshefsky (US 2003/0022703) & Adams (US 6594366).

Regarding Claim 1, The prior art doesn't disclose audio signal paths to couple said input-output interface and said output interface to said telephony means and said audio means in a manner, to allow said input-output interface to be singularly employed for said first headset, said output interface to be singularly employed for said second headset, and said input-output and output interfaces to be jointly employed for said first and second headsets where said first and second headsets being the same headset. Therefore, Claim 1 is allowed. Since Claims 2-11 are dependent on Claim 1, therefore they are also allowable.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 12-13, & 19 are rejected under 35 U.S.C. 102 (e) as being anticipated by Reshefsky (US 2003/0022703) (hereinafter Reshefsky).

12. Regarding claim 12, Reshefsky disclose a wireless mobile phone (14; fig. 1) headset comprises  
a first earpiece receiver (28 or 30; fig. 1),  
a microphone (14; fig. 1), and  
a connector (20 or 22; fig. 1) coupled to said first earpiece receiver and said microphone,  
including two plugs to facilitate removable attachment of the wireless mobile phone headset to a  
wireless mobile phone via two corresponding complementary interfaces of the wireless mobile  
phone, (pg. 2; 0034) and transfer of at least a selected one of telephony and non-telephony audio  
signals from said wireless mobile phone to said first earpiece receiver, as well as transfer of audio  
inputs from said microphone to said wireless mobile phone. (pg. 2; 0021)

13. Regarding claim 13, Reshefsky disclose the wireless mobile phone headset of claim 12,  
wherein the wireless mobile phone headset further comprises a second earpiece receiver (30;  
fig. 1), and said connector (22; fig. 1) is further coupled to said second earpiece to facilitate  
transfer of at least a selected one of said telephony and non-telephony audio signals to said  
second earpiece receiver. (pg. 2; 0021)

19. Regarding claim 19, Reshefsky disclose the wireless mobile phone headset of claim 12, wherein said microphone further comprises a send/end button. (60; fig.1; pg.2; 0024)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 14 & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reshefsky in view of Adams [US 6594366] (hereinafter Adams).

14. Regarding claim 14, Reshefsky disclose all the particulars of the claim except a first of said two plugs is a 1/8-inch audio plug. However, Adams teaches in an analogous art, that the wireless mobile phone headset of claim 12, wherein a first of said two plugs is a 1/8-inch audio plug. (one or more types of... plug; Col.3; 37-45) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a first of said two plugs is a 1/8-inch audio plug in order to provide different electrical signals and pin configurations.

16. Regarding claim 16, Reshefsky disclose all the particulars of the claim except two plugs is a 2.5 mm input-output plug. However, Adams teaches in an analogous art, that the wireless mobile phone headset of claim 12, wherein a first of said two plugs is a 2.5 mm input-output plug. (one or more types of... plug; Col.3; 37-45) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include two plugs is a 2.5 mm input-output plug in order to provide different electrical signals and pin configurations.

Claims 15, & 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reshefsky in view of Choi et al. [US 2003/0104842] (hereinafter Choi).

15. Regarding claim 15, Reshefsky disclose all the particulars of the claim except a first of said two plugs is a 3-pin plug. However, Choi teaches in an analogous art, that the wireless mobile phone headset of claim 12, wherein a first of said two plugs is a 3-pin plug. (two or four port plug; pg.4; 048) Therefore, it would have been obvious to one of ordinary skill in the art at the

time of invention to include a first of said two plugs is a 3-pin plug in order to shielding unwanted ambient interference to optimize acoustic performance.

17. Regarding claim 17, Reshefsky disclose all the particulars of the claim except a first of said two plugs is a 4-pin plug. However, Choi teaches in an analogous art, that The wireless mobile phone headset of claim 12, wherein a first of said two plugs is a 4-pin plug. (two or four port plug; pg.4; 048) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a first of said two plugs is a 4-pin plug in order to shielding unwanted ambient interference to optimize acoustic performance.

18. Regarding claim 18, Reshefsky disclose all the particulars of the claim except 4-pin plug comprises two input pins, and neither of said input pins are coupled to said first earpiece receiver. However, Choi teaches in an analogous art, that The wireless mobile phone headset of claim 17, wherein said 4-pin plug comprises two input pins, and neither of said input pins are coupled to said first earpiece receiver. (two or four port plug; pg.4; 048) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include 4-pin plug comprises two input pins, and neither of said input pins are coupled to said first earpiece receiver in order to shielding unwanted ambient interference to optimize acoustic performance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is 703-308-4736. The examiner can normally be reached on Mon-Fri. (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Sharad Rampuria  
September 8, 2004



WILLIAM TROST  
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